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REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 9, 17 and 24 have been revised. Support for the revisions can be found in, e.g. Figs. 6C and 6D, and page 13, line 25 to page 14, line 9 of the specification, among other places. Claim 25 has been revised. Support for the revisions in claim 25 can be found at, e.g., page 9, line 27 to page 10, line 27 of the specification, among other places. Claim 26 has been canceled without prejudice. Claims 1-25 remain pending in the application. Claims 8 and 11-23 have been withdrawn.

Claim Rejections – 35 USC § 102

Claims 1-3, 6 and 9 are rejected under 35 USC § 102(b) as being anticipated by Garthe et al. (DE 102 06 254 using US 2003/0225429 as the English equivalent). Applicants respectfully traverse this rejection.

Claim 1 recites a first moving member that holds a lancing member moved from a standby position to a puncturing position in a puncturing direction for puncturing a target portion by the lancing member and a second moving member that is connected to the first moving member for controlling the movement of the first moving member. Claim 1 further recites a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing position into advancing movement of the lancing member of the first moving member to the puncturing position.

Garthe et al. fail to disclose a second moving member that is connected to the first moving member for controlling the movement of the first moving member as recited in claim 1. Instead, Garthe et al. discuss a guide sleeve 51 that rotates to result in a puncturing or advancing movement of a lancet 20 (see Garthe et al., Figs. 4A and 4B). The rejection relies on a cylindrical mass 60 as disclosing the second moving member recited in claim 1. However, the cylindrical mass 60 in fact remains stationary during the puncturing process. Only the pin 61 fixed to the mass 60 moves along a substantially straight portion of a cam groove 53 (see Garthe et al., paragraph [0031]).

Moreover, Garthe et al. fail to disclose a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing

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position into advancing movement of the lancing member of the first moving member to the puncturing position as recited in claim 1. Instead, Garthe et al. merely discuss a lancet holder 140 and a mass 160 that move together in the same directions (see Garthe et al., Figs. 5A and 5C), while being completely silent as to a movement converting mechanism recited in claim 1. Therefore, the lancet system in Garthe et al. is completely distinct from the invention of claim 1.

For at least these reasons, claim 1 is patentable over Garthe et al. Claims 2-3, 6 and 9 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 1-7 are rejected under 35 USC § 102(b) as being anticipated by Marshall et al. (WO 01/13794). Applicants respectfully traverse this rejection.

Claim 1 recites a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing position into advancing movement of the lancing member of the first moving member to the puncturing position.

Marshall et al. fail to disclose a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing position into advancing movement of the lancing member of the first moving member to the puncturing position, as recited in claim 1. Instead, Marshall et al. merely discuss a lancet holder 24 advances to a puncturing position in response to an advancing movement of hammer 29 (see Marshall et al., page 6, lines 13-17 and Fig. 7), while being completely silent as to a movement converting mechanism recited in claim 1. Therefore, the lancet in Marshall et al. is distinct from the invention of claim 1.

For at least these reasons, claim 1 is patentable over Marshall et al. Claims 2-7 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

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Claims 1-3, 6, 9 and 24-26 are rejected under 35 USC § 102(e) as being anticipated by Whitson et al. (US 7,144,404). Applicants respectfully traverse this rejection.

Claim 1 recites a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing position into advancing movement of the lancing member of the first moving member to the puncturing position.

Whitson et al. fail to disclose a movement converting mechanism for converting retreating movement of the second moving member away from the puncturing position into advancing movement of the lancing member of the first moving member to the puncturing position, as recited in claim 1. Instead, Whitson et al. merely discuss a lancet holder 20 advances to a puncturing position in response to a lowering or advancing movement of a rack 14 (see Whitson et al., Fig. 5, positions 1 and 2, col. 5, line 60 to col. 6, line 12), while being completely silent as to a movement converting mechanism recited in claim 1. Therefore, the lancing device in Whitson et al. is distinct from the invention of claim 1.

For at least these reasons, claim 1 is patentable over Whitson et al. Claims 2-3, 6, 9, 24 and 26 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim 25 is patentable along with claim 1 for the reasons discussed above. In addition, claim 25 recites the movement converting mechanism comprising a fixed pin fixed to the housing, a first link extending from the fixed pin, a first movable pin connected to the first link, a second link extending from the first movable pin, a second movable pin connected to the second link, a first groove formed in the second moving member and having an inclined portion for movably receiving the first movable pin, and a second groove formed in the first moving member for movably receiving the second movable pin. Whitson et al. fail to disclose the structures required by claim 25. Therefore, claim 25 is patentable.

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Claim Rejections – 35 USC § 103

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Garthe et al. in view of Alden et al. (US 7,033,371) in view of Stanton (US 2,993,698). Applicants respectfully traverse this rejection. Claim 10 depends from claim 1 and is patentable over Garthe et al. in view of Alden et al. and Stanton for at least the same reasons discussed above regarding claims 1-3, 6 and 9. Alden et al. and Stanton do not remedy the deficiencies of Garthe et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claim.

Applicants note that Stanton (US 2,993,698), which is cited at page 5 of the Office Action, has not been included in Form 892. It is respectfully requested that Stanton (US 2,993,698) be included in a supplemental Form 892 in a further communication.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the Applicants' primary attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.


Respectfully submitted,



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